

### **REMARKS**

Claims 1-8, 10-21 and 23-30 are now pending in the application. Claims 1-6, 8, 12, 14-16, 18-19, 21, and 23-29 are currently amended. Claim 9 has been cancelled. Claim 30 is new. Support for the foregoing amendments can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicants have amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **CLAIM OBJECTIONS**

Claims 9, 13, 25 and 28 are objected to because of certain informalities. Applicant has amended claims 9, 13, 25 and 28 to address the Examiner's objections. Therefore, reconsideration and withdrawal of these objections are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-21 and 23-29 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicant has amended claim 1 to more clearly point out the claimed subject matter. Claim 1 now recites “heterologous nucleic acid”.

Applicant has amended claims 2-4 to depend from claim 1.

Applicant has amended claim 6 to correct a typographic error. Claim 6 now recites “Mycobacterium bovis-BCG” instead of “MYCOBACTERIUNA BOVIS-BCG”.

Applicant submits that claim 21, in the preliminary amendment filed on October 18, 2004, was mistakenly identified as “(Original)”. Claim 21 was amended in that paper. Applicant has further amended claim 21 to more clearly point out the claimed subject matter in this paper also.

Applicant has amended claim 25, reciting “obtaining a sample comprising Mycobacterium bovis-BCG”, to more clearly point out the claimed subject matter.

Applicant has amended claim 28, reciting “obtaining a sample of Mycobacterium bovis-BCG”, to more clearly point out the claimed subject matter.

Applicant has amended claims 21 and 23-29, reciting “medium” instead of “media”, to more clearly point out the claimed subject matter.

Applicant has amended claim 8 to clarify that the vaccine or immunogenic composition is to provide treatment or prophylaxis against *Mycobacterium tuberculosis* or *Mycobacterium bovis*. Support for the amendments at least can be found at n lines 1-5 of paragraph [0019].

In view of the foregoing, reconsideration and withdrawal of these rejections are respectfully requested

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: /Joseph M. Lafata/  
Joseph M. Lafata, Reg. No. 37,166

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

JML/PFD/evm